

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

ISHMAEL RODRIQUEZ

REDACTED

Criminal Complaint

05-150 M-MPT

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about November 22, 2005, in New Castle County, in the District of Delaware defendant, Ishmael Rodriquez (Track Statutory

Language of Offense)

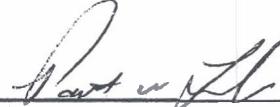
did knowingly possess a firearm and ammunition after having convicted in any court by a crime punishable by imprisonment for more than one year

in violation of Title 18 United States Code, Section(s) 922(g)(1)I further state that I am a(n) Special Agent, ATF and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: YES



Signature of Complainant

Patrick Fyock
Special Agent
Bureau of Alcohol Tobacco Firearms and Explosives

FILED

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U.S. DISTRICT COURT
DISTRICT OF DELAWAREDecember 28, 2005

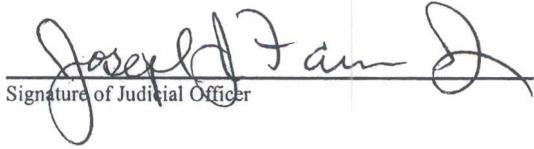
Date

at Wilmington, DE

City and State

Joseph J. Farnan, Jr.United States District Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT

I, Special Agent Patrick W. Fyock, being duly sworn, depose and say:

1. I am a Special Agent of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (hereafter ATF) assigned to the Wilmington, DE Field Office.
2. ATF is a Federal Law Enforcement agency charged with the enforcement of federal statutes relating to firearms and explosives.
3. I have served as a Special Agent with ATF since July 2001. Prior to being hired by ATF, I was employed as a Police Officer for seven years with the Nationally Accredited New Castle County Police Department in Delaware. I received specialized training from the ATF Academy in Glynn Co. Georgia, in investigation of Federal Firearms violations. I have participated in the investigation and prosecution of numerous firearms violators.
4. The information contained in this affidavit is based upon but not limited to:
 - a. the general experience in firearms and narcotics investigations of law enforcement officers who have participated in this investigation;
 - b. my own observations and the information and observations of other law enforcement authorities involved in this investigation;
 - c. records of federal and local government agencies;
 - d. the execution of a State of Delaware Arrest Warrant; and
 - e. seizures of firearms and ammunition;
5. Based on the following paragraphs, your affiant states that the facts and circumstances recited herein demonstrate that there is probable cause to arrest Ishmael Rodriquez for violations of federal law; in particular, 18 U.S.C. § 922(g)(1), possession of a firearm and ammunition by person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

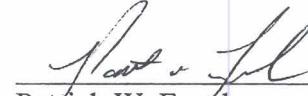
Probable Cause

6. On November 22, 2005, Officer Muniz was on patrol in the city of Wilmington, State of Delaware, when he observed a large group loitering in front of the J & R Supermarket, located at 1516 W. 4th Street. Officer Muniz exited his marked patrol vehicle and began to walk towards store.
7. Officer Muniz observed a subject standing by the door of the store attempting to look down the street in an effort to observe Officer Muniz' actions. When Officer Muniz approached the entrance, the subject who was standing at the door ran inside the store. As Officer Muniz entered the store, he observed this same subject running to the rear of the store. Officer Muniz could observe the subject, later identified as Ishmael Rodriquez, DOB [REDACTED] 1985, in the store's overhead

mirror. This subject was attempting to hide an unknown object on the shelf at the south end of the store wall. Rodriquez exited the aisle and was contacted by Officer Muniz. Because of the Rodriquez' actions, Officer Muniz ordered Rodriquez to place his hands on the wall. As Officer Muniz attempted to pat down Rodriquez, Rodriquez tensed his arms and would not comply with the officer's commands. Rodriquez was taken to the ground and handcuffed.

8. Officer Muniz responded to the aisle where he had observed Rodriquez hiding an item and observed food items in disarray on the shelf. Under some food items was a Silver .357 Rossi revolver, serial number F443169. During the search of Rodriquez, officers located 2 R-P .357 caliber rounds of ammunition, 3 PMC .38 caliber rounds of ammunition and 1 Federal .38 caliber round of ammunition. It should be noted that .38 caliber rounds of ammunition can be fired from a .357 revolver.
9. On or about May 18, 2005 Ishmael Rodriquez pleaded guilty to possession with intent to deliver a narcotic schedule II controlled substance, in the Superior Court of Delaware. This crime is a felony in the state of Delaware and is punishable by imprisonment for a term exceeding one year.
10. Your affiant believes, based on his training and experience, that the firearm described above was manufactured outside the State of Delaware.

I swear under oath that the above is true and correct to the best of my knowledge and belief.

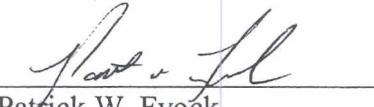


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